

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEVIN KING,

Plaintiff,

v.

Case No. 13-12816
Honorable Patrick J. Duggan

TERRY SANDERS,

Defendant.

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**OPINION AND ORDER DENYING DEFENDANT SANDERS' MOTION
FOR SUMMARY JUDGMENT**

On June 27, 2013, Plaintiff commenced this civil rights action against Defendant pursuant to 42 U.S.C. § 1983, alleging retaliation in violation of his First Amendment rights. On September 24, 2013, Defendant filed a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56. (ECF No. 4.) This matter has been referred for all pretrial matters to Magistrate Judge Charles E. Binder. (ECF No. 5.)

On March 3, 2014, Magistrate Judge Binder issued a Report and Recommendation (R&R) in which he recommends that this Court deny Defendant's motion for summary judgment. (ECF No. 8.) Magistrate Judge Binder concludes that Plaintiff presents sufficient evidence to create a genuine

issue of material fact relevant to his First Amendment retaliation claim. At the conclusion of his R&R, Magistrate Judge Binder informs the parties that they must file any objections to the R&R within fourteen days. (*Id.* at 9.) He further advises that the “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” (*Id.* at 9-10, citations omitted). Neither party filed objections to the R&R.

This Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Binder.

Accordingly,

IT IS ORDERED, that Defendant Sander’s motion for summary judgment is **DENIED**.

Date: March 31, 2014

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Kevin King, #171671
G. Robert Cotton Correctional Facility
3500 N. Elm Road
Jackson, MI 49201

AAG John L. Thurber
AAG Kevin R. Himebaugh
Magistrate Judge Charles E. Binder